

# UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

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## AGENCY DOCKETING STATEMENT

*Administrative Agency Review Proceedings (To be completed by appellant/petitioner)*

1. CASE NO. 23-1240 (consol. 23-1177)      2. DATE DOCKETED: 09/08/23
3. CASE NAME (lead parties only) Neste US, Inc. v. U.S. Environmental Protection Agency
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No  
If YES, cite statute \_\_\_\_\_
6. CASE INFORMATION:
  - a. Identify agency whose order is to be reviewed: U.S. Environmental Protection Agency
  - b. Give agency docket or order number(s): EPA-HQ-OAR-2021-0427
  - c. Give date(s) of order(s): Published July 12, 2023, 88 Fed. Reg. 44468
  - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No  
If so, when was it filled? \_\_\_\_\_ By whom? \_\_\_\_\_  
Has the agency acted? ☐ Yes ☐ No If so, when? \_\_\_\_\_
  - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):  
Petitioner is a participant in the Renewable Fuel Standard program and is harmed by  
EPA's unlawful, arbitrary, and capricious actions in promulgating the rule.
  - f. Are any other cases involving the same underlying agency order pending in this Court or any other?  
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)  
See attached list of consolidated cases.
  - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?  
☒ Yes ☐ No If YES, give case name(s) and number(s) of these cases and identify court/agency:  
See attached list of consolidated cases.
  - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates.  
\_\_\_\_\_  
\_\_\_\_\_

Signature /s/ Ashley C. Parrish Date 10/11/23

Name of Counsel for Appellant/Petitioner Neste US, Inc.

Address 1700 Pennsylvania Avenue, NW, Suite 900, Washington, D.C. 20006

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### ATTACH A CERTIFICATE OF SERVICE

**Note:** If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

- *Center for Biological Diversity v. EPA*, No. 23-1177 (D.C. Cir. filed July 13, 2023);
- *American Refining Group, Inc., et al. v. EPA*, No. 23-1243 (D.C. Cir. filed Sept. 8, 2023);
- *REH Company v. EPA*, No. 23-1244 (D.C. Cir. filed Sept. 11, 2023);
- *Clean Fuels Alliance America v. EPA*, No. 23-1245 (D.C. Cir. filed Sept. 11, 2023);
- *Sustainable Advanced Biofuel Refiners Coalition v. EPA*, No. 23-1246 (D.C. Cir., filed Sept. 11, 2022);

- *American Fuel & Petrochemical Manufacturers v. EPA*, No. 23-1247 (D.C. Cir. filed Sept. 11, 2023);
- *Coalition for Renewable Natural Gas LLC v. EPA*, No. 23-1248 (D.C. Cir. filed Sept. 11, 2023);
- *National Wildlife Federation v. EPA*, No. 23-1249 (D.C. Cir. filed Sept. 11, 2023).

Undersigned counsel is not aware of any other cases — beyond those listed above — before the agency, this court, or any other court that challenge the same agency order or that involve substantially the same issues the present case presents.

Dated: October 11, 2023

Respectfully submitted,

/s/ Ashley C. Parrish

Ilana Saltzbart

Ashley C. Parrish

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2023, I electronically filed the foregoing Docketing Statement and Addendum with the Clerk of the Court for the United States Court of Appeals for the District of Columbia using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Ashley C. Parrish

Ashley C. Parrish

*Counsel for Petitioner*